

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| INA STEINER, DAVID STEINER, and STEINER ASSOCIATES, LLC, |) |
| Plaintiffs, |) |
| v. |) |
| EBAY INC., et al., |) |
| Defendants. |) |
| |) |

Civil Action No. 21-CV-11181-PBS

**JOINT UNOPPOSED MOTION OF DEFENDANTS EBAY INC., DEVIN WENIG,
STEVE WYMER, AND WENDY JONES FOR LEAVE TO FILE REPLIES
TO PLAINTIFFS' OPPOSITIONS TO DEFENDANTS' MOTIONS TO EXCLUDE THE
TESTIMONY OF PLAINTIFFS' EXPERT DR. ADAM D. GALINSKY PH.D.**

Pursuant to Local Rule 7.1(b)(3), Defendants eBay Inc. (“eBay”) and Defendants Devin Wenig, Steve Wymer, and Wendy Jones (collectively, the “Executive Defendants”) hereby move the Court for leave to file replies to Plaintiffs’ oppositions to Defendants’ motions to exclude the testimony of Plaintiffs’ expert Dr. Adam D. Galinsky. Plaintiffs do not oppose this motion. As grounds for this motion, eBay and the Executive Defendants state as follows:

1. On January 24, 2025, eBay moved to exclude Dr. Galinsky’s testimony in its entirety. Dkt. 544. The Executive Defendants filed a separate motion to exclude Dr. Galinsky’s testimony the same day. Dkt. 546.
2. On February 3, 2025, Plaintiffs moved for a two-week extension of time to file oppositions to the aforementioned motions. Dkt. 555. In their motion, Plaintiffs stated that they “do not oppose a request by Defendants for a Reply, should they seek to have [the] same.” *Id.* ¶ 6. The Court granted Plaintiffs’ extension motion the following day. Dkt. 560.

3. On February 21, 2024, Plaintiffs filed an opposition to eBay's motion to exclude Dr. Galinsky's testimony and a separate opposition to the Executive Defendants' motion. Dkt. 581, 584.

4. eBay and the Executive Defendants each seek leave to file a brief reply, of no more than 10 pages each, in support of their respective motions. Such replies would aid the Court's resolution of the motions by providing eBay and the Executive Defendants an opportunity to clarify Plaintiffs' misrepresentations of Dr. Galinsky's proposed testimony and to respond to the various factual and legal arguments Plaintiffs make.

WHEREFORE, Defendants eBay and the Executive Defendants respectfully request that the Court grant their unopposed motion for leave to each file by March 6 a reply in support of their respective motions to exclude the testimony of Dr. Galinsky.

Dated: February 26, 2025

/s/ Jack W. Pirozzolo

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CERTIFICATION PURSUANT TO L.R. 7.1(a)(2)

I, Jack. W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(a)(2), I have conferred with counsel for Plaintiffs regarding this motion. Plaintiffs' counsel previously assented to a request by eBay and the Executive Defendants to file replies in support of their *Daubert* motions. *See* Dkt. 555 ¶ 6. On February 25, 2025, eBay and the Executive Defendants sought Plaintiffs' position on the proposed page-limits and deadline applicable to the replies. Plaintiffs have not responded to that email.

Dated: February 26, 2025

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2025, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: February 26, 2025

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo